



SO ORDERED,

**Judge Katharine M. Samson
United States Bankruptcy Judge
Date Signed: January 9, 2023**

The Order of the Court is set forth below. The docket reflects the date entered.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
GULFPORT-6 DIVISION**

IN RE: JOHN EARL LACEY A/K/A JOHN EARL
LACEY, DEBTOR

CHAPTER 13 PROCEEDING

CASE NO. 22-50643-KMS

AGREED ORDER DOCKET NO. 35

THIS CAUSE came on for consideration on the Motion to Lift Automatic Stay filed by Nationstar Mortgage LLC, and that the Court being advised further that the Defendant, John Earl Lacey a/k/a John Earl Lacey and Plaintiff have reached an agreement concerning the issues of said Motion and being fully advised that the parties agree as follows:

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Debtor's Chapter 13 Plan shall be and is hereby amended by adding the post-petition arrears for the months of October, 2022 through January, 2023 in the amount of \$880.14 each, debtor suspense of \$20.52 and that the Proof of Claim of Plaintiff shall be and is hereby amended to reflect a total post-petition increase in arrearage of \$3,500.04, including an additional \$550.00 for attorney fees and \$188.00 for filing fees and that the Proof of Claim of Plaintiff shall be and is hereby amended to reflect a total increase in post petition arrearage of \$4,380.18. The Proof of Claim No. 14 outlines a pre-petition arrearage of \$1,114.22 which was filed August 24, 2022; therefore, the proof of claim shall hereby be amended to reflect a total pre-petition and post petition arrearage of \$5,494.40.

IT IS FURTHER ORDERED AND ADJUDGED that the Chapter 13 Trustee is hereby authorized to amend the Debtor(s) wage order and/or plan payment as necessary to account for the added debt, so that the Debtor(s) plan can complete as originally proposed or as modified prior to the entry of this order.

IT IS FURTHER ORDERED AND ADJUDGED that upon the failure of the Debtor to pay any of the ongoing payments to the Trustee resuming February 1, 2023 in the amount of \$880.14 as and when it becomes due and said delinquency continues for more than 30 days thereafter that at the end of said 30 day period Plaintiff shall give Debtor, Debtor's Attorney and Trustee a 14 day Notice of Default, during which time Debtor may reinstate by paying to the Trustee all plan payment arrearage. If the delinquency is not cured within the 14-day period, the Automatic Stay shall be lifted without further order of this Court. In the event that the Automatic Stay is lifted, Nationstar Mortgage LLC may pursue all remedies^{as to the property} available to it under the terms and conditions of said Deed of Trust, and applicable state law including initiation of foreclosure proceedings against Defendant's property described as follows:

Commence at the southeast corner of Section 21, Township 10 North, Range 7 West, Wayne County, Mississippi, and run thence North 1,174.00 feet, thence West 222.80 feet, thence South 80° 34' 16" West 43.75 feet to and for the POINT OF BEGINNING: continue thence South 80° 34' 16" West 118.77 feet; thence South 10° 47' 04" East 185.00 feet; thence South 80° 34' 16" West 90.00 feet, more or less, to the easterly right of way line of New U. S. Highway No. 45 as provided for by plans of said U. W. Highway No. 45 by the Mississippi Department of Transportation; thence South 10° 47' 04" East 232.42 feet along said easterly right of way; thence North 80° 34' 16" East 208.77 feet; thence North 10° 47' 04" West 417.42 feet back to the point of beginning, said parcel comprising 1.4 acres, more or less, and being situated in the SE/4 of SE/4, Section 21, Township 10 North, Range 7 West, Wayne County, Mississippi;

And also an easement for ingress and egress described as follows:

Commence at the southeast corner of Section 21, Township 10 North, Range 7 West, Wayne County, Mississippi, and run thence North 1,174.00 feet, thence West 222.80 feet, thence South 80° 34' 16" West 43.75 feet, thence South 80° 34' 16" West 118.77 feet to and for the POINT OF BEGINNING: continue thence South 80° 34' 16" West 90.00 feet, more or less, to the easterly right of way line of New U. S. Highway No. 45 as provided for by plans of said U. W. Highway No. 45 by the Mississippi Department of Transportation; thence South 10° 47' 04" East 20.00 feet; thence North 80° 34' 16" East 90.00 feet; thence North 10° 47' 04" West 20.00 feet back to the point of beginning, said parcel comprising 0.04 acres, more or less, and being situated in the SE/4 of SE/4, Section 21, Township 10 North, Range 7 West, Wayne County, Mississippi.

and being subject to that Deed of Trust recorded in the Wayne County Chancery Clerk's office in Instrument No. 201904857.

IT IS FURTHER ORDERED AND ADJUDGED that upon the lifting of the automatic stay that the Trustee shall abandon the hereinabove described property from the estate pursuant to 11 U.S.C. Section 544(b).

IT IS FURTHER ORDERED AND ADJUDGED that the entry of this order shall constitute the entry of a final judgment pursuant to Bankruptcy Rule 9021 and Rule 58 of the Federal Rules of Civil Procedure and shall be applicable to any subsequent conversion of this case to any other Chapter under the Bankruptcy Code.

##END OF ORDER##

AGREED TO:

/s/ Eric C. Miller

William Savage

Eric Miller

Attorney for Plaintiff

/s/ Thomas C. Rollins, Jr. with Express Permission

Jennifer A Curry Calvillo, The Rollins Law
Firm and Thomas Carl Rollins, Jr., Attorney
for Debtor

/s/Samuel J. Duncan, Atty for

David Rawlings, Trustee

Presented by:

William Savage #105785

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BK Case No. 22-50643-KMS

AGREED ORDER BREAKDOWN

Chapter 13

In Re: John Earl Lacey a/k/a John
Earl Lacey

BK Case No: 22-50643-KMS

10/2022 – 01/2023	No. of Months 4	X Monthly Payment of	\$880.14	=	\$3,520.56
Unapplied/Suspense				=	\$20.52
Accrued Late Charges				=	\$0.00
Court allowed Bankruptcy Atty Fees					\$550.00
Court allowed Bankruptcy Atty Costs					\$188.00
TOTAL				=	\$4,238.04